

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on August 12, 2003, and the references cited therewith.

No claims are amended, canceled, or added; as a result, claims 1 and 2 remain pending in this application.

§102 Rejection of the Claims

Claims 1 and 2 were rejected under 35 USC § 102(e) as being anticipated by Schoening et al. (U.S. Patent No. 6,226,788). Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim*.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Applicant respectfully submits that the Office Action did not make out a *prima facie* case of anticipation because the cited art does not teach each and every element of Applicant’s claims.

For example, claim 1 recites “creating a metadata file, said metadata file defining objects in a router.” The Office Action asserts that Schoening teaches the recited language. In order to support the assertion, the Office Action states that the “metadata file is equated with the device-specific executable program component taught by Schoening.” Applicant respectfully disagrees with this assertion. Metadata, as the name specifies is data and is used to describe router objects. This is quite different from the device executable program components that are executable on a device. As a result, Schoening does not teach creating a metadata file, said metadata file defining objects in a router.

Further, claim 1 recites “converting the metadata file into an object model having at least one object.” The Office Action asserts that recited language is taught by Schoening, and states “the claimed converting is equated with mapping at least one of the executable program

components (metadata files) specific to a device type to an overriding executable program component.” As noted above, metadata is different from executable program components. Furthermore, none of the sections of Schoening cited in the Office Action to support the assertion teach or disclose converting metadata. Rather the cited sections disclose mapping executable program components to an overriding executable program component, embedding knowledge about the data model, and resolving (binding) objects. None of these aspects disclosed in Schoening necessarily teach converting metadata. For example, mapping and binding merely create associations, they do not necessarily convert anything. Embedding knowledge in the data model does not convert the knowledge.

For the above reasons, Schoening does not teach each and every element of Applicant’s claim 1. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claim 1.

Claim 2 depends from claim 1, and therefore inherits the elements of claim 1 while adding further patentable distinctions. Claim 2 is therefore allowable for the same reasons as discussed above with respect to claim 1.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

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Date February 12, 2004

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12th day of February, 2004.

Rodney L. Lacy

Name

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Signature